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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,875	03/14/2000	John M. Packes JR.	99-049	7997

22927 7590 06/28/2002

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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/525,875	PACKES ET AL.	
	Examiner	Art Unit	
	Carmen D. White	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31, 53, 54 and 66 is/are pending in the application.
- 4a) Of the above claim(s) 32-52, 55-65, 67 and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 53, 54 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on filing is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election

Applicant's election of Invention I (claims 1-31, 53-54 and 66 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out any supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Therefore, claims 32-52, 55-65 and 67-68 have been withdrawn from consideration.

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31, 53-54 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tiberio* (EP 0521599 A1) or *Kaufman* (4,624,459) in view of First Double Lotto Jackpot Pays out Big: Search is on for \$16 Million Ticket Holder [September 12, 1996] (hereinafter referred to as *Double Lotto*).

Regarding claims 1-6, 9-22, 24-27, 53-54, and 66 *Tiberio* or *Kaufman* teach slot wagering process/system that includes the steps of receiving a wager for a set of play indicia; the additional wager of an extra coin that serves as a multiplier for an award/jackpot; associating the play indicia with the multiplier [when the player makes a winning combination of play indicia- the award is multiplied by the number of coins input]; and determining the price of the multiplier [the price is an additional coin]. See Background of the Invention section of *Kaufman*- col. 1, lines 30-40 and Figure 5, #100, #102 and #104 of *Tiberio*. While the references teach the placement of a wager for a set of play indicia in a slot machine and the purchase of a multiplied award/jackpot depending on the number of coins input, the references are silent on the application of this type of gaming in a lottery ticket environment. The *Double Lotto* reference teaches the feature of purchasing a multiplier [double jackpot] for the price of an additional dollar (see 2nd paragraph of the *Body* section. It would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the multiplier feature of *Tiberio* or *Kaufman* into the lottery environment, as taught by the *Double Lotto* reference, to increase game play and sales in the lottery arena.

Regarding claim 7, *Tiberio* or *Kaufman* in view of *Double Lotto* discloses all the limitations of the claims as discussed above. While *Double Lotto* reference teaches a

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lottery system it is silent on the explicit details of the use of a lottery server and lottery/player terminals. However, it is well known in the art to have individual lottery terminals in stores, where players purchase indicia and these lottery terminals are connected to a central lottery server. Thus, this is an indigenous feature of state/local lotteries. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to include such a system in the Double Lotto game in order to keep track of the lottery indicia purchase in order to authenticate the lottery tickets and make the purchase of the tickets more convenient to the players.

Regarding claim 8, Tiberio or Kaufman in view of Double Lotto discloses all the limitations of the claims as discussed above. While Double Lotto reference teaches the feature of allowing the player to purchase a double multiplier with an additional dollar, the reference is silent on the feature of prompting a cashier to offer the sale of multiplier higher than the player chosen one. However it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the cashier's prompting the player to buy a multiplier in the Double Lotto system in order to increase sales to the state lottery system.

Regarding claim 23, Tiberio or Kaufman in view of Double Lotto discloses all the limitations of the claims as discussed above. The references are silent on the feature of lowering the multiplier value if the redemption value/payout of the set of play indicia is outside a defined range (i.e. too high a payout). It would have been obvious to a person of ordinary skill in the art to employ this concept in Tiberio, Kaufman or Double Lotto in

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order to ensure that the lottery/casino provider is able to afford/ has enough available funds to pay the winning player.

Regarding claims 28-31, Tiberio or Kaufman in view of Double Lotto discloses all the limitations of the claims as discussed above. The references are silent on the feature of whether the multiplier is printed on the actual lottery ticket or a separate lottery ticket. However, it is well within the functional capability of the Double Lotto system to record various multipliers, according to game rules, on the actual lottery ticket with the play indicia or on a separate ticket. This would merely involve programming the ticket printer of the Double Lotto system to do so. This would increase the security of the system.


USPTO Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


Carmen White
Patent Examiner


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
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